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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,014	09/27/2001	Wayne Elmo Vicknair	AUS9-2001-0548-US1	2757

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EXAMINER
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HOLLAR, ANDREA B

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/965,014

Applicant(s)

VICKNAIR ET AL.

Examiner

Andrea Hollar

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 September 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/27/2001</u> . | 6) <input type="checkbox"/> Other: _____  |

ABH

**DETAILED ACTION**

***Drawings***

The drawings are objected to because reference number 218 is referred to as "disk adapter" on page 7, lines 6 and 9 of the specification, but references an item called "I/O Adapter" in figure 2. The name of the item referenced by number 218 should be the same in both the specification and the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 230 and 409. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because reference number 240 is referred to as "operating system" on page 6, line 23 and page 7, lines 2, 8, and 12, but references an item called "application" in figure 2. The name of the item referenced by number 240 should be the same in both the specification and the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

The disclosure is objected to because of the following informalities:

Reference number 100 on page 6, lines 12 and 13 does not appear in the drawings.

Reference number 108 on page 6, line 15 does not appear in the drawings.

Reference number 250 on page 6, line 24 and page 7, lines 2 and 8 does not appear in the drawings.

Reference number 404 on page 8, line 24 does not appear in the drawings.

Reference numbers 406-414 on pages 8 and 9 do not appear in the drawings.

Reference number 311 on page 10 does not appear in the drawings.

Appropriate correction is required.

***Claim Objections***

Claim 10 is objected to because of the following informalities: "said indexing step" lacks antecedence. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The metes and bounds of this claim cannot be determined because the claim recites function without structure. Because claim 9 is an apparatus claim, it is unclear whether the limitation "determining a validity of a character..." is directed to an apparatus for "determining" or to the act of "determining."

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-8 are rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter. Claims 1-8 are not in the technological arts because all of the method steps can be performed mentally or by hand. For example, the step of "retrieving a data value from a character stream" recited in claim 1 could simply involve the process of mentally selecting a data value from a verbally recited character stream. The step of "determining a validity of a character..." could be performed by utilizing a handwritten table on a sheet of paper. The steps recited in claims 2-8 could be performed in a similar manner to those in claim 1.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 9-14, and 17-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Sikdar.

With respect to claim 1, Sikdar (5,916,305) discloses a character validation method comprising the steps of:

retrieving a data value from a character stream (col. 5, lines 55-57);

determining a validity of a character represented by said value in response to a member of a data structure corresponding to said value wherein said validity is determined in response to a logical combination of status values in said member of said data structure (col. 6, lines 13-19).

With respect to claim 2, Sikdar discloses the step of indexing into said data structure using said data value, wherein said member of said data structure corresponding to said data value is pointed to in response to said indexing step (col. 6, lines 13-15).

With respect to claim 3, Sikdar discloses that said data structure comprises an array (col. 6, line 14).

With respect to claim 4, Sikdar discloses that if the logical combination corresponds to a logically "TRUE" value, said data value represents a valid character (col. 6, lines 15-17).

With respect to claim 5, Sikdar discloses that if each character in said stream is valid, applying a predetermined set of syntactic rules to byte patterns comprising said character stream (col. 16, lines 38-41).

With respect to claim 6, Sikdar discloses the step of generating said data structure (col. 7, lines 41-42).

With respect to claim 9, Sikdar discloses a data processing system comprising:

circuitry operable for retrieving a data value from a character stream (col. 5, lines 55-57);

determining a validity of a character represented by said value in response to a member of a data structure corresponding to said value wherein said validity is determined in response to a logical combination of status values in said member of said data structure (col. 6, lines 13-19).

With respect to claim 10, Sikdar discloses circuitry operable for indexing into said data structure using said data value, wherein said member of said data structure corresponding to said data value is pointed to in response to said indexing step (col. 6, lines 13-15).

With respect to claim 11, Sikdar discloses that said data structure comprises an array (col. 6, line 14).

With respect to claim 12, Sikdar discloses that if the logical combination corresponds to a logically "TRUE" value, said data value represents a valid character (col. 6, lines 15-17).

With respect to claim 13, Sikdar discloses circuitry operable for if each character in said stream is valid, applying a predetermined set of syntactic rules to byte patterns comprising said character stream (col. 16, lines 38-41).

With respect to claim 14, Sikdar discloses circuitry operable for generating said data structure (col. 7, lines 41-42).

With respect to claim 17, Sikdar discloses a computer program product embodied in a machine-readable storage medium including programming for validation, the programming comprising a set of instructions for performing the steps of:

retrieving a data value from a character stream (col. 5, lines 55-57);

determining a validity of a character represented by said value in response to a member of a data structure corresponding to said value wherein said validity is determined in response to a logical combination of status values in said member of said data structure (col. 6, lines 13-19).

With respect to claim 18, Sikdar discloses instructions for performing the step of indexing into said data structure using said data value, wherein said member of said data structure corresponding to said data value is pointed to in response to said indexing step (col. 6, lines 13-15).

With respect to claim 19, Sikdar discloses that said data structure comprises an array (col. 6, line 14).

With respect to claim 20, Sikdar discloses that if the logical combination corresponds to a logically "TRUE" value, said data value represents a valid character (col. 6, lines 15-17).

With respect to claim 21, Sikdar discloses instructions for performing the step of, if each character in said stream is valid, applying a predetermined set of syntactic rules to byte patterns comprising said character stream (col. 16, lines 38-41).

With respect to claim 22, Sikdar discloses the step of generating said data structure (col. 7, lines 41-42).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 8, 15, 16, 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sikdar (5,916,305) in view of Sowler (2002/0044662).

With respect to claims 7 and 8, Sikdar discloses that said status values are set in accordance with a set of valid characters defined in said specification (col. 7, lines 45-49; col. 11, lines 24-29), however Sikdar does not expressly disclose that said character stream comprises characters in accordance with a specification for an extensible markup language, particularly XML, or that said syntactic rules include rules in accordance with XML.

Sowler teaches that it is known to use a protocol analyzer to determine the format of an XML document (par. 106, lines 1-5; par. 144, lines 1-3; fig. 8).

Sikdar and Sowler are analogous art because they are both from the same field of endeavor of input processing.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Sikdar's method to allow it to process XML documents as input, as taught by Sowler. It logically follows that the rules employed by Sikdar's semantic engine would be in accordance with XML also.



The motivation for doing so would have been to be able to determine whether XML packets match the XML protocol definition at an increased speed over prior methods (Sikdar col. 2, lines 14-16).

Therefore it would have been obvious to combine Sowler with Sikdar for the benefit of increased processing speed to obtain the invention as specified in claims 7 and 8.

With respect to claims 15 and 16, Sikdar discloses that said status values are set in accordance with a set of valid characters defined in said specification (col. 7, lines 45-49; col. 11, lines 24-29), however Sikdar does not expressly disclose that said character stream comprises characters in accordance with a specification for an extensible markup language, particularly XML, or that said syntactic rules include rules in accordance with XML.

Sowler teaches that it is known to use a protocol analyzer to determine the format of an XML document (par. 106, lines 1-5; par. 144, lines 1-3; fig. 8).

Sikdar and Sowler are analogous art because they are both from the same field of endeavor of input processing.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Sikdar's system to allow it to process XML documents as input, as taught by Sowler. It logically follows that the rules employed by Sikdar's semantic engine would be in accordance with XML also.

The motivation for doing so would have been to be able to determine whether XML packets match the XML protocol definition at an increased speed over prior systems (Sikdar col. 2, lines 14-16).

Therefore it would have been obvious to combine Sowler with Sikdar for the benefit of increased processing speed to obtain the invention as specified in claims 15 and 16.

With respect to claims 23 and 24, Sikdar discloses that said status values are set in accordance with a set of valid characters defined in said specification (col. 7, lines 45-49; col. 11, lines 24-29), however Sikdar does not expressly disclose that said character stream comprises characters in accordance with a specification for an extensible markup language, particularly XML, or that said syntactic rules include rules in accordance with XML.

Sowler teaches that it is known to use a protocol analyzer to determine the format of an XML document (par. 106, lines 1-5; par. 144, lines 1-3; fig. 8).

Sikdar and Sowler are analogous art because they are both from the same field of endeavor of input processing.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Sikdar's processing product to allow it to process XML documents as input, as taught by Sowler. It logically follows that the rules employed by Sikdar's semantic engine would be in accordance with XML also.

The motivation for doing so would have been to be able to determine whether XML packets match the XML protocol definition at an increased speed over prior processing products (Sikdar col. 2, lines 14-16).

Therefore it would have been obvious to combine Sowler with Sikdar for the benefit of increased processing speed to obtain the invention as specified in claims 23 and 24.

With respect to claim 25, Sikdar discloses a character validation method comprising the steps of:

retrieving a data value from a character stream (col. 5, lines 55-57);

determining a validity of a character represented by said value wherein said validity is determined in response to a logical combination of status values in said member of said data structure (col. 6, lines 13-19), wherein said status values are set in accordance with a set of valid characters defined in a protocol definition (col. 7, lines 45-49; col. 11, lines 24-29); and

if each character in said stream is valid, applying a predetermined set of syntactic rules to byte patterns comprising said character stream (col. 16, lines 38-41).

Sikdar does not expressly disclose that said character stream comprises characters in accordance with a specification for an extensible markup language or that said syntactic rules include rules in accordance with said extensible markup language.

Sowler teaches that it is known to use a protocol analyzer to determine the format of an XML (extensible markup language) document (par. 106, lines 1-5; par. 144, lines 1-3; fig. 8).

Sikdar and Sowler are analogous art because they are both from the same field of endeavor of input processing.

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At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Sikdar's method to allow it to process XML documents as input, as taught by Sowler. It logically follows that the rules employed by Sikdar's semantic engine would be in accordance with XML also.

The motivation for doing so would have been to be able to determine whether XML packets match the XML protocol definition at an increased speed over prior methods (Sikdar col. 2, lines 14-16).

Therefore it would have been obvious to combine Sowler with Sikdar for the benefit of increased processing speed to obtain the invention as specified in claim 25.

With respect to claim 26, Sikdar further discloses that said character stream comprises a message packaged in accordance with a predetermined information exchange protocol (col. 6, lines 47-49).

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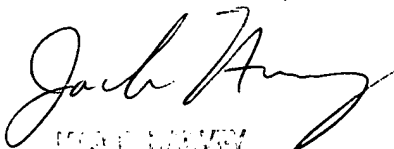
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea Hollar whose telephone number is 571-272-5862. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 571-272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ABH

  
JACK HARVEY  
SUPERVISOR, UNIT OF EXAMINER